

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

ASHLEY PUGH, <i>et al.</i> ,	:	
Plaintiffs,	:	
	:	
v.	:	Civil No. 5:20-cv-00630-JMG
	:	
COMMUNITY HEALTH SYSTEMS, INC., <i>et al.</i> ,	:	
Defendants.	:	

---

**ORDER**

**AND NOW**, this 10<sup>th</sup> day of May, 2023, upon consideration of Defendant Douha Sabouni, M.D.’s motion to preclude any of Plaintiffs’ experts from offering any causation testimony regarding the alleged cause of Minor-Plaintiff Sean Pugh’s Austim at trial or in the alternative, a request for a *Daubert* hearing (ECF No. 118); Plaintiffs Ashley Pugh and Daniel Pugh’s, individually and as parents and guardians of Minor-Plaintiff Sean Pugh, response in opposition to Defendant Dr. Sabouni’s motion to preclude under *Daubert* (ECF No. 137); Defendant Northampton Hospital Company, LLC d/b/a Easton Hospital (“Easton Hospital”) and Defendant Northampton Clinic Company, LLC d/b/a Easton Area Obstetrics & Gynecology Associations (“EAOG”)’s *Daubert* motion to exclude Plaintiffs’ causation testimony regarding the alleged cause of minor-Plaintiffs’ autism and summary judgment for lack of causation (ECF No. 125); Plaintiffs’ response in opposition to Defendants Easton Hospital and EAOG’s *Daubert* motion and summary judgment for lack of causation (ECF No. 132); Defendant Dr. Sabouni’s motion to join Defendants Easton Hospital and EAOG’s *Daubert* motion and summary judgment for lack of causation (ECF No. 126); Defendant Dr. Sabouni’s motion to join Defendants Easton Hospital and EAOG’s supplemental brief in support of its *Daubert* and summary judgment motion for lack of

causation (ECF No. 139); and any replies, exhibits, and appendices thereto, and for the reasons provided in the accompanying Memorandum Opinion, it is hereby **ORDERED** as follows:

Defendant Dr. Sabouni's motion to preclude any of Plaintiffs' experts from offering any causation testimony regarding the alleged cause of Minor-Plaintiff Sean Pugh's Autism at trial or in the alternative, a request for a *Daubert* hearing (ECF No. 118) is **GRANTED**.

Defendant Dr. Sabouni's motion to join Defendants Easton Hospital and EAOG's *Daubert* and summary judgment motion for lack of causation (ECF No. 126) is **GRANTED**.

Defendant Dr. Sabouni's motion to join Defendants Easton Hospital and EAOG's supplemental brief in support of its *Daubert* and summary judgment motion for lack of causation (ECF No. 139) is **GRANTED**.

Defendants Easton Hospital and EAOG's *Daubert* motion to exclude Plaintiffs' causation testimony regarding the alleged cause of minor Plaintiff's autism and summary judgment for lack of causation (ECF No. 125) is **GRANTED IN PART**.

Defendants' motion will be **GRANTED** concerning the *Daubert* motion to preclude Plaintiff's causation testimony.

The Court defers ruling on Defendants' related summary judgment motion and directs the Parties to submit supplemental briefing—to include specific citations to case law and/or references to briefs, exhibits, and other materials provided to the Court—from the Parties, **due no later than 9:00 a.m. Monday, May 22, 2023**, on the following topics:

- (1) Whether or not Dr. Mulkey is Plaintiffs' sole causation expert offered to show Defendants' alleged negligence either proximately caused or increased the risk of the harm suffered by Sean Pugh.

- (2) Whether or not the record supports any allegations that Sean Pugh sustained injuries/harm independent of his autism diagnosis.
- (3) Whether or not the record supports Plaintiffs' allegations that Defendants' alleged negligence proximately caused or increased the risk of harm suffered by Sean Pugh.

BY THE COURT:

/s/ John M. Gallagher

JOHN M. GALLAGHER  
United States District Court Judge